

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALEXANDER McFADDEN,

Plaintiff,

v.

1:12-CV-1255

**ROBERT M. JAEON, Rensselaer County Court
Judge; ELIZABETH J. KENNEDY, ADA, Rensselaer
County District Attorney's Office; JEROME K. FROST,
Rensselaer County Public Defender's Office,**

Defendants.

APPEARANCES:

OF COUNSEL:

**ALEXANDER McFADDEN
11-A-4995
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871
Plaintiff, *pro se***

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 23rd day of August 2012. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The plaintiff's attack on the validity of his March 2011 arrest and September 2011 sentence is barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) and dismissed pursuant to 28 U.S.C. § 1915 and § 1915A. The Clerk of the Court shall enter Judgment accordingly.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated: September 18, 2012
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge